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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,269	03/02/2005	Baldur Achim Offermann	995.1023	6414
7590 Steinberg & Raskin 1140 Avenue of the Americas 15th floor New York, NY 10036-5803				
EXAMINER				
VASISTH, VISHAL V				
ART UNIT		PAPER NUMBER		
4151				
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03/27/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/526,269

**Applicant(s)**

OFFERMANN, BALDUR ACHIM

**Examiner**

VISHAL VASISTH

**Art Unit**

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 March 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1 and 2 is/are rejected.  
7) ☒ Claim(s) 1 and 2 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/ISD)  
Paper No(s)/Mail Date 03/02/2005  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: In the specification of application no. 10/526,269 on Page 1/Line 24 "as its" should read "as it, also, on Page 1/L. 25 "the need of" should read "the need for." On Page 2/Line 19 "water steam has the" should read "water steam is," also on Page 2/Line 28 "the toxic inconvenient" should read "the toxic inconvenience." On Page 4/Line 23 "cinematic" should be "kinematic," also on Page 4/Line 28 "it refer to" should read "it refers to." Appropriate correction is required.

### ***Claim Objections***

2. Claims 1 and 2 are objected to because of the following informalities: claims 1 and 2 both contain capitalized letters and quotation marks which are improper.

Claim 2, step 4 "until an homogenous mixture" should read "until a homogenous mixture."

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, the preamble recites a fluid and a process but the claim is directed only to the composition of the fluid and contains no process steps. Therefore, the boundaries sought for protection are not readily ascertainable. Claim 1 is treated as a composition. Claim 2, the preamble recites a fluid and a process but the claim is directed only to the process and contains no composition components. Therefore, the boundaries sought for protection are not readily ascertainable. Claim 2 is treated as a process claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Sapienza et al., US Patent No. 5,912,215 (hereinafter referred to as US '215).

Regarding claim 1, US '215 discloses a fluid composition comprising, a phenolic antioxidant present between 0.05 wt% to 2.0 wt% (phenyl antioxidant between 0.1 and 0.5% in weight) (Col. 4/L. 3-9) and a basic fluid such as polyalphaolefins present between 98 wt% to 99.95 wt% (0.05 to 2.0 wt% subtracted from 100%) (see Abstract and Col. 3/L. 31-46).

7. Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Lakshmanan et al., US Patent No. 5,482,982 (hereinafter referred to as US '982).

Regarding claim 2, US '982 discloses a method of preparing a polymer blend composition comprising;

- (1) 400 g of final composition (weighing the reagents) (Col. 4/L. 54), and
- (2) homogenizing (Col. 4/L. 44-65) the composition with the use of a blade mixer (shaker) (Col. 4/L. 47-48) that is heated to an elevated temperature.
- (3) preparing a polymer blend composition comprising, adding an antioxidant to the mixer (mechanical shaker) under continuous mixing (shaking) (Col. 4/L. 51-61).
- (4) preparing a polymer blend composition comprising, mixing and homogenizing the composition after the addition of the antioxidant until a homogeneous mixture is obtained and collecting the mass in a release lined tray (metal containers) (Col. 4/L. 54-65).

With regard to the specific limitation of the instant claim, reciting a heat system for work between room temperature and up to 70°C, the heater of US '982 is fully capable of operating in that temperature range.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Howard, US Patent No. 6,455,623, and Palazzotto et al., US Patent Application Publication No. 2003/0148900.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VISHAL VASISTH whose telephone number is (571)270-3716. The examiner can normally be reached on M-F 8:30a-5:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mikhail Kornakov can be reached on (571)272-1303. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

VVV

/Michael Kornakov/

Supervisory Patent Examiner, Art Unit 4151